S.B. CIVIL MISC. APPEAL NO.1648/2006.
(Kasna Ram & Anr. Vs. Mukesh Kumar & Ors.)

Date of Order :: 12th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Rajesh Shah, for the appellants.

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Having heard learned counsel for the claimant-appellants and having perused the impugned award dated 16.06.2006, this Court is satisfied that the instant appeal for enhancement of amount of compensation remains bereft of substance and does not merit admission.

For quantification of compensation to be awarded to the sons of about 70 years old vehicular accident victim Smt. Andu, the Tribunal has noticed the submissions of the claimants that the deceased was earning about Rs. 4,000/- to 5,000/- per month; and for want of any cogent evidence on record, has taken her annual notional income at Rs. 15,000/- and deducting one-third wherefrom and with application of multiplier of 5 in view of her age at 70 years, has assessed pecuniary loss at Rs. 50,000/- and allowing Rs.10,000/- towards non-pecuniary loss and further Rs.10,000/- towards funeral expenses has awarded compensation in the sum of Rs.70,000/-. The Tribunal has allowed interest @ 7.5% per annum from the date of filing of the claim application.

The Tribunal has rightly rejected the contention of the claimants about independent earnings of the deceased for lack of any cogent evidence to that effect; and has rightly taken her contributing to the house-hold; has rightly taken her notional income at Rs.15,000/- per annum as a non-earning person; and has rightly assessed pecuniary loss at Rs. 50,000/- with application of multiplier of 5 to notional loss of contribution at Rs. 10,000/- after deducting one-third on personal expenditure. The award made by the Tribunal at Rs.70,000/- with together with interest @ 7.5% per annum cannot be said to be too low or inadequate than that of just compensation admissible in the facts of this case; and there appears no scope for upward revision.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/